



The State Bar of California

AGENDA ITEM

JANUARY 10 – Open Session Minutes Approval – September 24, 2020, Meeting

Regular Meeting of the Board of Trustees
(Final Meeting of the 2019-2020 Board)

The State Bar of California
Zoom

Thursday, September 24, 2020
10:30 a.m. –

Time Meeting Called to Order: 10:38 a.m. [Closed session commenced at 3:25 p.m. and concluded at 4:36 p.m. followed by adjournment of Meeting in Open Session.]

Time Meeting Adjourned: 4:41 p.m.

Chair: Alan Steinbrecher

Secretary: Sarah Cohen

Members Present: Mark Broughton, Hailyn Chen, José Cisneros, Juan De La Cruz, Sonia Delen, Ruben Duran, Chris Iglesias, Renée LaBran, Joshua Perttula, Sean SeLegue, Brandon Stallings

Members Joined in Progress: Arnold Sowell, Jr.

Members Absent: N/A

OPEN SESSION

Public Comment:

Jason Solomon: Jason Solomon, Executive Director of the Stanford Center on the Legal Profession, credited State Bar staff for assembling a sandbox working group proposed slate that combines expertise and stakeholder representation. The presenter, however, expressed concern about the lack of consumer representatives. As explained, in a legal services market, there are sellers and buyers, and consumers and providers; for anti-trust purposes, per Federal Trade Commission (FTC) guidance, there cannot be a majority active market participants, defined as those licensed by the State Bar or those who are sellers of legal services. According

to the presenter, between 11 and 13 of the 17 people on the slate are active market participants; although some people listed on Attachment B are identified as “non-attorneys,” they are sellers of legal services. The presenter urged the Board to appoint more consumers.

Art Lachman: Art Lachman, a practitioner in Seattle, Co-Chair of the Association of Professional Responsibility Lawyers (APRL) Future of Lawyering Committee, and participant in reform efforts around the country, addressed the Board in a personal capacity. The presenter expressed concern that lawyers are driving the conversation around regulatory reform. The presenter stated that there can be no meaningful discussion about how legal services should be regulated without giving consumers a substantial voice and without examining the risks and benefits of any proposal through the prism of their interests. The presenter stated that there is often a disconnect between what clients are protected from in the regulatory regime and what consumers actually think they need protection from; and that it may be better to offer solutions involving transparency and consent rather than strict prohibitions or to, in some cases, eliminate the prohibitions altogether. The presenter urged that additional consumer members be placed on the working group.

Tom Gordon: Tom Gordon, Executive Director of Consumers for A Responsive Legal System, a national organization working to expand access and affordability in the legal system, echoed the comments of the previous two presenters, particularly the note about the overwhelming majority of potential nominees to the committee being lawyers, i.e., market participants. The presenter observed that there is a super majority of lawyers on the slate, which provides red meat for antitrust enforcement efforts by the Federal Trade Commission (FTC) or others, particularly given that there are spots reserved not just for lawyers generally but for particular market segments of legal service providers, e.g., the California Lawyers Association, a consumer attorney representative, a California defense counsel, a California legal services lawyer, a national legal services lawyer. The presenter noted that a consumer attorney representative is not representative of consumers; they are representative of consumer attorneys. At the July 2020 Board meeting, the presenter recommended that the Board add six actual consumer members to the panel to offset the spots held by representatives of the legal profession, and at this meeting, the presenter renewed the request, asking the Board to appoint individual consumers from a range of socioeconomic backgrounds - a small family business owner, a medium business owner, etc. If the trustees are unable to find individual consumers for these spots, the presenter urged the Board to fill the spots with non-lawyer representatives of these constituencies rather than with lawyers who may happen to represent these people as clients; that would give voice to consumers rather than to lawyers who provide services to consumers. According to the presenter, adding six consumers would turn an 11-6 lawyer majority to a 12-11 non-lawyer majority.

Kyle Jackson: Kyle Jackson, a licensee, is seeking a refund of State Bar fees. The presenter stated that he could not get a job as a lawyer for many years, so seized the opportunity during the coronavirus pandemic to open an online law practice dedicated to helping people apply for pandemic unemployment assistance. The presenter explained that in order to open the practice, substantial fees had to be paid to the State Bar to become current (in good standing). The presenter planned to recoup the money through the online practice, but things did not

work out as hoped. With the presenter's fee waiver request before the Board (Agenda Item #54-141), the presenter wanted the Board to know that young lawyers are struggling to get jobs as lawyers, which makes it difficult to pay fees.

Claire Solot: Claire Solot, Provisional Licensure Working Group attendee, expressed concern about the lack of representation from the legal aid community on that group and on other State Bar committees. Running a legal services funder network of 70 Bay Area affiliated organizations, the presenter has yet to be engaged in a public-private partnership with the State Bar. The presenter urged the Board to reach out to organizations in the philanthropic sector that support legal services providers.

Azita Rahim: Azita Rahim, an examinee who has met the 1390 cut score, requested that retroactivity be applied to that new cut score. The presenter also requested that requirements different than those applicable to 2020 graduates be applied under the provisional licensure program to those who have already met the new cut score because competence has already been demonstrated. For example, the presenter believes that for those examinees who have already met the 1390 cut score, the bar exam requirement should be waived.

Gabriel Huelna: Gabriel Huelna, a February 2020 examinee who met the 1390 cut score, echoed the comments of the previous presenter in expressing support for retroactivity and, in the alternative, provisional licensure. Commenting on the extreme economic despair in California and the added difficulty presented by an online exam for those with vision conditions and other disabilities, the presenter stated that granting the presenters' requests would eliminate suffering for thousands.

Malissa: Malissa, echoing the comments of the previous two presenters, requested that the provisional licensure program be expanded to individuals who previously met the 1390 cut score and include an exam waiver upon completion of a reasonable set of requirements. According to the presenter, this diverse applicant group already demonstrated competency required to practice in California; best interests are served by allowing these qualified applicants to practice and help communities as quickly as possible; and granting the presenters' requests would demonstrate the State Bar's commitment to diversifying the profession and breaking down historic barriers.

Edie Sussman: Edie Sussman, a 40-year public interest attorney in Sonoma County, echoed the comments of the previous presenters, in supporting cut score retroactivity, bar exam waiver, and different rules. The presenter, however, wanted to focus the Board's attention on the fact that communities already struggling with homelessness and medical care and mental health issues are now hurting from the wildfires and the pandemic, and need these competent young people to step in and help. The presenter is aware of at least examinees who have met the 1390 cut score and are waiting to do the pro-bono, legal aid, and community service work, which is so desperately needed in these communities.

Sanaz Nikbakhsh: Sanaz Nikbakhsh, one of the 397 February 2020 bar examinees who met the 1390 cut score, urged the Board to consider retroactive admission for this group. Turning to the

online bar exam, the presenter was not able to download ExamSoft and spent two full days calling the State Bar and ExamSoft. Because the presenter's children and husband are going to school and working from home, there is no quiet space to study or take the exam. Although approved to take the exam in person, the presenter is concerned about contracting COVID-19. The presenter observed that the cut score was lowered just months after the February bar exam, and that those who met the lowered cut score should be granted retroactive admission.

Matt Spolsky: Matt Spolsky, a 2018 graduate who took the bar exam four times and met the 1390 cut score on the last three exams, supports retroactivity and the provisional licensure program. The presenter urges that the provisional licensure program be extended to those who have met the 1390 cut score.

Patrick Martinez: Patrick Martinez, an applicant eligible for provisional licensing if it applies to those who previously met the 1390 cut score, brought to the Board's attention the names of the following organizations and individuals supporting retroactivity and H.R 103: San Diego County Bar Association; Eastbay La Raza Lawyers Association; California Association of Black Lawyers; John Langston Bar Association; Tom Homann LGBT Law Association; Alameda County Bar Association; Bay Area Lawyers for Individual Freedom; Lawyers for One America; Asian American Bar of the Greater Association of the Bay Area; Joanna Mendoza, a former trustee of the State Bar; and Senator Scott Wiener. The presenter expressed support for provisional licensing for those who have met the 1390 cut score.

Jasmine Martin: Jasmine Martin, an Inland Empire mother who met the 1390 cut score on the February 2020 bar exam, commented on the difficulty of facing the bar examination during the pandemic, with daycare being risky and schools being closed. The presenter also commented on the disproportionate impact of the bar exam on people of color and the working class. The presenter is aware there are many people working in the public interest who, having met the 1390 cut score, are seeking retroactivity in order to work in their communities and focus on their families.

Kathleen Beckett: Kathleen Beckett, an applicant who met the 1390 cut score on the February 2020 bar exam, voiced support for extending the provisional licensure program to all people who met the 1390 cut score on the February 2020 bar exam, as they have already proven their competence (to the extent the bar exam measures competence). The presenter believes that it is fundamentally unfair to extend provisional licensure to December 2019 graduates who score below 1390 while denying it to people who have proven their minimum competency by scoring 1390 or above. The presenter also believes that those who took the February 2020 exam were equally affected and adversely impacted by COVID-19.

Chantel Johnson: Chantel Johnson expressed support for Agenda Item #708 and the recommendations for the California provisional license program, particularly the option of working for a government agency as one possible path towards licensure.

Rajesh Vodadar: Rajesh Vodadar, an attorney in practice in Boston, New York City, and the Silicon Valley for over 15 years who met the 1390 cut score on the February 2020 bar exam,

echoed the comments of previous presenters. The presenter requests that, if retroactive admission is not possible, examinees who met the 1390 cut score on the exam, or on the first read, be allowed some avenue to get their professions started.

Selena Copeland: Selena Copeland, Executive Director of the Legal Aid Association of California, encouraged the paraprofessional working group to continue to engage the legal aid community to better understand their capacity to serve lower income individuals who are between 125 and 200 percent of poverty. The presenter appreciates committee leadership for scheduling future meetings to discuss the Justice Gap Study in order to dive deeper into the need before returning to the discussion of possible solutions. The presenter also appreciates the provisional licensure working group for accepting a few of the association's suggestions, specifically the reduced fees to participate in the program and the allowance of multiple supervisors, explaining that these measures will make it easier for legal aid organizations to hire provisionally licensed attorneys and move them to substantive areas of the most need, which right now is housing due to the COVID-19 crisis.

Andre Shevwitz: Andre Shevwitz, an engineer interested in patent law and trying to pass the bar exam, voiced support for the provisional licensure program for those who have met the 1390 cut score. Working from home with three children, the presenter finds it difficult to focus on studying for such a demanding exam. According to the presenter, any proposal that reduces the need to administer an exam is meritorious on its face and should be considered.

Leona: Leona, grieving the loss of a loved one who died overseas from COVID-19, commented on the financial hardships endured during this time. Because of wildfire evacuations, the presenter withdrew from the October exam. The presenter urged the Board to support the provisional licensure program and extend it to those who have met the 1390 cut score on the exam, or first read, in the last five years and to those already licensed in another state.

Mr. Khan: Mr. Khan, a practicing attorney in Orange County, expressed support for the latest provisional licensing proposal. The presenter pointed out that an applicant who meets the 1390 cut score on the October 2020 exam will automatically become a licensed attorney, but an applicant who met the 1390 cut score on the February 2020 exam, also during the pandemic, will be required to go through two years of provisional licensing requirements. Although the presenter has committed to supervising at least two people, the presenter is unsure if other practitioners will do the same. The presenter urged the Board to instead implement additional Continuing Legal Education (CLE) or other approaches that will allow everybody the opportunity to move forward and will help everybody facing evictions and job losses in the coming months.

Victoria: Victoria, a foreign attorney who met the cut score on the July 2019 bar exam, urged the Board to extend the provisional license program to five years. The presenter believes the Board should adopt the New York provisional license model, which requires only that applicants provide 50 hours of pro bono work under the supervision of an attorney. According to the presenter, adopting the New York model will help low-income families in California as well.

End of Public Comment

10 MINUTES

Open Session Minutes–July 16, 2020

Open Session Minutes–September 4, 2020

Adoption of Open Session Minutes – Moved by Cisneros, seconded by Delen.

Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Duran, Iglesias, LaBran, Perttula, SeLegue, Sowell, Stallings

Noes – n/a

Motion carries.

30 CHAIR’S REPORT – ***oral***

30-1 Appreciation to Retired State Bar Employee Marilyn Tichenor – *informational*

40 STAFF REPORTS

41 Executive Director – *oral*

41-1 Report from Executive Director – *informational*

41-2 Appreciation for Outgoing Chair and Members of the 2019–2020 Board of Trustees

RESOLVED, that the Board of Trustees adopt the following resolution of appreciation to the outgoing chair and Board Members:

WHEREAS, Alan Steinbrecher, chair of the Board of Trustees for the 2019–2020 Board year and vice-chair for the 2018–2019 Board year, served this Board and the State Bar of California with devotion and distinction, and exercised impeccable leadership; and

WHEREAS, Renée LaBran and Debbie Manning, members of the Board of Trustees, have served this Board and the State Bar of California with extraordinary commitment to carrying out the mission of public protection, including access and diversity and inclusion, and served the Board and the State Bar with devotion and distinction;

WHEREAS, it is appropriate that the minutes of this meeting officially record the warm gratitude and respect, both personal and professional, of their fellow Board members; and it is

FURTHER RESOLVED, that the Board of Trustees hereby expresses to Alan Steinbrecher, Chair, and Renée LaBran and Debbie Manning, members of the Board of Trustees, its sincere appreciation for their admirable accomplishments and selfless efforts expended

on behalf of the State Bar, and also expresses to them the high esteem and personal affection of their fellow members of the Board.

Moved by SeLeague, seconded by Stallings.

Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Duran, Iglesias, LaBran, Perttula, SeLeague, Sowell, Stallings

Noes – n/a

Motion carries.

50 CONSENT

50-1 Approval for Specified Contracts Pursuant to Business and Professions Code Section 6008.6

- 1. For government affairs and legislative representation, with: Wada Government Services**
- 2. For bar card manufacturing and mailing, with: SoftFile**
- 3. For Office of Chief Trial Counsel case file auditing, with: Alyse Lazar**
- 4. For workload study and survey, with: Qualtrics**
- 5. For online legal research, with: Thomson Reuters**
- 6. For testing accommodation consultant, with: MD Psychiatric Forensics**
- 7. For ad hoc psychometric and statistical analytic projects, with: Research Solutions Group**
- 8. For testing accommodation consultant, with: Michael D. Shore, PhD**

RESOLVED, that the Board of Trustees **approves execution of the contracts listed herein.**

50-2 Report of Action Taken by Executive Committee Approving Specified Contracts Pursuant to Business and Professions Code Section 6008.6

- 1. For interim Chief Financial Officer services, with: Kevin Harper CPA & Associates**

WHEREAS, the contract listed herein required execution before the next regularly scheduled meeting of the Board of Trustees; and

WHEREAS, on September 15, 2020, the Board Executive Committee, approved said contracts; it is hereby

RESOLVED, that the Board of Trustees affirms the action taken by the Board Executive Committee on behalf of the Board.

50-3 Report of Action Taken by Executive Director Approving Specified Contracts Pursuant to Business and Professions Code Section 6008.6

1. For consultant services for California Paraprofessional Program Working Group, with: Leah Wilson

WHEREAS, the contract listed herein required execution before the next regularly scheduled meeting of the Board of Trustees; and

WHEREAS, on July 31, 2020, the executive director, after consultation with and approval by the designated committee for advising the executive director on such matters, approved said contracts; it is hereby

RESOLVED, that the Board of Trustees affirms the action taken by the executive director on behalf of the Board.

50-4 Approval of Rule Change Regarding First-Year Law Students' Examination Due to COVID-19 as Requested by the Supreme Court of California

RESOLVED, that the Board of Trustees approves and recommends to the Supreme Court the attached change to Admission Rule 4.31 for review and approval upon the adoption of AB 3362.

FURTHER RESOLVED, that the change takes effect on January 1, 2021 in conformance with the statutory changes to California Business and Professions Code Section 6060(h) included in that legislation.

54-121 Proposed Amendments to Rules and Proposed New Rules Regarding Electronic Service and Electronic Signatures - Return from Public Comment and Request for Approval

RESOLVED, that the Board of Trustees, upon recommendation of the Regulation and Discipline Committee adopts the proposed amendments to: Title 5, Division 1, Chapter 1, Rule 5.4, Rules of Procedure of the State Bar; Title 5, Division 2, Chapter 1, Rule 5.26, Rules of Procedure of the State Bar; Title 5, Division 2, Chapter 1, Rule 5.27, Rules of Procedure of the State Bar; Title 5, Division 2, Chapter 1, Rule 5.28, Rules of Procedure of the State Bar; and proposed new rules 5.26.1, 5.26.2, and 5.27.1, as set forth in Attachment A; and it is

FURTHER RESOLVED, that the proposed amendments to the above rules become effective on November 1, 2020; and it is

FURTHER RESOLVED, that amended rule 5.26.1 supersedes Interim Rule 5.26.1 on November 1, 2020.

**54-122 Proposed Amendments to Rule of Procedure Regarding Electronic Trial Exhibits -
Return from Public Comment and Request for Approval**

RESOLVED, that the Board of Trustees, upon recommendation of the Regulation and Discipline Committee adopts the proposed amendments to: Title 5, Division 2, Chapter 5, Rule 5.101.1, Rules of Procedure of the State Bar; and it is

FURTHER RESOLVED, that the Regulation and Discipline Committee recommends that the proposed amendments to the above rule become effective on November 1, 2020.

**54-123 Proposed Amended Rule of Professional Conduct 5.4 - Return from Public Comment
and Request for Adoption**

Updated 2017-2022 Strategic Plan Rev. 3: 4.d.

RESOLVED, that upon recommendation of the Regulation and Discipline Committee, the Board of Trustees adopts the amendments to Rule of Professional Conduct 5.4 as set forth in Attachment A; and it is

FURTHER RESOLVED, that staff is directed to submit the amended rule to the Supreme Court of California with a request that the rules be approved.

54-141 Licensee Requests for Adjustment of Fees, Penalties and Charges

RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee approves the fee adjustments for the State Bar licensees as presented this day, and on file in the San Francisco office of the State Bar.

**54-142 Proposed 2021 Changes to Schedule of Licensee Fees, Penalties, Charges and
Deadlines**

RESOLVED, that upon recommendation of the Finance Committee and subject to AB 3362 becoming law, the Board of Trustees approves and sets the annual licensing fee for 2021 at \$515 for active status and at \$182.40 for inactive status; and it is

FURTHER RESOLVED, that as required by Business and Professions Code section 6140.05, a \$5 deduction from annual fees be available for any attorney who elects not to fund State Bar lobbying and other legislative activity; and it is

FURTHER RESOLVED, that a \$2 deduction from annual fees be available for any attorney who elects not to fund State Bar programs that support the elimination of bias; and it is

FURTHER RESOLVED, that for the Legal Services Assistance Fee under Business and Professions Code section 6140.03, a \$45 deduction from the annual fee be provided to each attorney who elects not to have this amount allocated to support nonprofit organizations that provide free legal services to persons of limited means; and it is

FURTHER RESOLVED, that the 2021 annual fees for new attorneys admitted in 2021 be set as follows: fees of \$515 for those admitted between January 1 and May 31, 2021, and \$257.50 for those admitted between June 1 and November 30, 2021; and it is

FURTHER RESOLVED, that the deadlines and penalties as proposed on the attached Appendix A: Schedule of Charges and Deadlines for 2021 (Attachment A) be applied to delinquent 2021 annual fees; and it is

FURTHER RESOLVED, that the MCLE noncompliance fee remains set at \$75, the MCLE audit deficiency fee remains set at \$200, and the MCLE reinstatement fee to terminate MCLE inactive enrollment remains set at \$200; and it is

FURTHER RESOLVED, that the interest on assessed costs for reimbursement to the Client Security Fund be set at 10 percent annually calculated from the date of disbursement as set forth by the Board, pursuant to Business and Professions Code section 6140.5(c); and it is

FURTHER RESOLVED, that the administrative penalty on failure to comply with binding arbitration is charged at a fee not to exceed 20 percent of the amount ordered refunded to the client or \$1,000, whichever is greater.

54-143 1st Quarter 2020 Financial Statement Report

RESOLVED, that the Board of Trustees approve the 2020 First Quarter Financial Report in the form presented this day before the Board, for the three months ending March 31, 2020, as certified by the Chief Financial Officer, and on file with the San Francisco office of the State Bar.

54-144 2nd Quarter 2020 Financial Statement Report, Investment Report, Client Security Fund Report

RESOLVED, that upon recommendation of the Finance Committee, the Board of Trustees approves the 2020 Second Quarter Financial Report in this form on this day before the Board, for the six months ended June 30, 2020, as certified by the Chief Financial Officer and filed with the San Francisco office of the State Bar.

54-181 2nd Quarter 2020 Board and Management Travel Expenses

RESOLVED, that upon recommendation of the Audit Committee, the Board of Trustees approves the second quarter of 2020 Board and Management Travel Expenses in the form hereby presented for the three months ending June 30, 2020, as certified by the Chief Financial Officer and filed with the San Francisco office of the State Bar.

Approval of the Consent Agenda: Moved by Duran, seconded by De La Cruz

Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Duran, Iglesias, LaBran, Perttula, SeLegue, Sowell, Stallings

Noes – n/a

Motion carries.

100 REPORTS OF BOARD COMMITTEES

110 Board Executive Committee

120 Regulation and Discipline Committee

140 Finance Committee

145 Approval of Refinancing of 2012 Bank of America Loan (Related to 845 South Figueroa Street)

RESOLVED, that the Board of Trustees recommends proceeding with the refinancing of the 2012 Bank of America Loan with Sterling Bank and the 15-Year Term Sheet, and it is

FURTHER RESOLVED, that the Board of Trustees approve Attachment A, a Resolution Adopted by the Board of Trustees for the Approval of Refinancing the 2012 Loan related to 845 South Figueroa Street, Los Angeles, California, and it is

FURTHER RESOLVED, that the Board of Trustees approve the Debt Management Policy.

Because the motion comes from a Board committee, no mover or seconder required

Ayes – Broughton, Chen, Cisneros, De La Cruz, Duran, Iglesias, LaBran, Perttula, SeLegue, Sowell, Stallings

Recused – Delen

Noes – n/a

Motion carries.

180 Audit Committee

700 MISCELLANEOUS

701 Real Estate Analysis and Strategy Development Update (Mazer) – *informational*

702 Closing the Justice Gap Working Group - Appointment of Members (Difuntorum)

Updated 2017-2022 Strategic Plan Rev. 3: 4.d.

The Board rejected the recommended resolution contained in the agenda item in favor of the following alternate motion:

RESOLVED, that the Board elects not to take action on this item today, asks the incoming Chair to consult with staff regarding issues raised at the September 24, 2020, Board meeting, and

delegates to the Board Executive Committee the authority to act on this item, including approving the slate, prior to the next scheduled Board meeting in November 2020.

Moved by SeLegue, seconded by Duran.

Ayes – Broughton, Chen, Cisneros, De La Cruz, Delen, Duran, Iglesias, Perttula, SeLegue, Sowell, Stallings

Absent for vote – LaBran

Noes – n/a

Motion carries.

703 California Paraprofessional Program Working Group - Status Update (Iglesias) – *informational*

704 State Bar Discipline System: Implementation of Changes to Address Disparity; Past and Planned Changes to Improve Efficiency, Process, and Experience; and Recommendation for Ad Hoc Commission on the Discipline System (Chavez)

Updated 2017-2022 Strategic Plan Rev. 3: 2.b.

RESOLVED, that staff will continue its work on projects, in conjunction with the Chair and Vice Chair of the Regulation and Discipline Committee (RAD), that address disparities in the discipline system and provide an update to the State Bar of Trustees at its next meeting; and it is

FURTHER RESOLVED, that the Office of Chief Trial Counsel will explore expeditiously options for a more robust pro-active preventative approach for attorneys who experience low-level RA-Bank matters that also ensures public protection is not compromised. This approach will take into account the number of prior RA-Bank matters and their clustering for the purpose of preventing future misconduct related to client trust accounts; and it is

FURTHER RESOLVED, that the Board of Trustees directs State Bar staff to: Develop plans to establish an ad hoc committee on the State Bar discipline system in consultation with leadership of the Regulation and Discipline Committee. In so doing staff will explore size, structure, and composition of the committee and share their recommendation with the State Bar Board of Trustees at its November 2020 meeting. The recommended charge for this committee would be to review the entire discipline system, from initial complaint to discipline imposed, with appropriate respect for the independence of the decision making of the State Bar Court. In particular, this body would:

- Review reforms implemented that address disparities and evaluate if the reforms had their intended effect and recommend additional or revised reforms;
- Review all other OCTC reforms implemented and evaluate if the reforms have had their intended effect and recommend additional or revised reforms;

- Review research studies that have been completed and determine whether additional research or change is needed;
- Review research studies in progress and generate policy recommendations as results become available; and
- Identify processes, policies, procedures and areas of the discipline system that need examination; and it is

FURTHER RESOLVED, that the ad hoc committee will begin its work in early 2021 and present a final report on its findings and recommendations no later than June 30, ~~2022~~ 2021, subject to extensions by the Board of Trustees, with periodic status updates to be provided to the State Bar Board of Trustees at each regularly scheduled meeting beginning in January 2021.

Moved by Stallings, seconded by SeLegue.

Ayes – Broughton, Cisneros, Delen, Duran, Iglesias, Perttula, SeLegue, Sowell, Stallings

Absent for vote – Chen, De La Cruz, LaBran

Noes – n/a

Motion, as amended, carries.

705 Exemption to CalPERS 180-Day Wait Period in Order to Appoint Marilyn Tichenor as Retired Annuitant under Government Code section 21224 (Lee)

Updated 2017-2022 Strategic Plan Rev. 3: 2.a.

RESOLVED, that the Board of Trustees adopts the resolution set forth in Attachment A and appoints Marilyn Tichenor as a retired annuitant.

Moved by Cisneros, seconded by Delen.

Ayes – Broughton, Chen, Cisneros, Delen, Duran, Iglesias, Perttula, SeLegue, Sowell, Stallings

Absent for vote – De La Cruz, LaBran

Noes – n/a

Motion carries.

706 Exemption to CalPERS 180-Day Wait Period in Order to Appoint Jenice Housman as Retired Annuitant under Government Code section 21224 (Lee)

RESOLVED, that the Board of Trustees adopts the resolution set forth in Attachment A and appoints Jenice Housman as a retired annuitant.

Moved by Cisneros, seconded by Chen.

Ayes – Broughton, Chen, Cisneros, Delen, Duran, Iglesias, Perttula, SeLegue, Sowell, Stallings

Absent for vote – De La Cruz, LaBran

Noes – n/a

Motion carries.

707 Changes in Elimination of Bias (EOB) Requirement in Minimum Continuing Legal Education (MCLE) Rules - Return from Public Comment and Request for Approval (Carroll/Hom)

Updated 2017-2022 Strategic Plan Rev. 3: 4.m.

RESOLVED, that the Board of Trustees hereby approves and adopts proposed amendments to Rules of the State Bar 2.52, 2.71, and 2.72, related to licensee requirements, set forth in Attachment B; and proposed amendments to Rules of the State Bar 3.601, 3.602, 3.603, and 3.604, related to MCLE provider requirements, set forth in Attachment C.

Moved by Stallings, seconded by Iglesias.

Ayes – Broughton, Chen, Cisneros, Delen, Duran, Iglesias, SeLegue, Sowell, Stallings

Absent for vote – De La Cruz, LaBran, Perttula

Noes – n/a

Motion carries.

708 Provisional Licensure Rule of Court - Return from Public Comment and Request for Adoption by the Board of Trustees for Approval by the Supreme Court (Chen/Hershkowitz)

RESOLVED, that the Board of Trustees approves the proposed Provisional Licensure Rule of Court, set forth as Attachment A (with correction of typographical error on page 2 identified by Member SeLegue); and it is

FURTHER RESOLVED, that the Board of Trustees directs staff to submit the proposed Provisional Licensure Rule of Court to the Supreme Court for adoption; and it is

FURTHER RESOLVED, that the Board of Trustees directs the Provisional Licensure Working Group to set a further meeting to further discuss whether to recommend extending the Provisional Licensure to individuals who previously scored 1390 or greater on the bar exam, and if so, whether to recommend granting these individuals admission to the State Bar following

the successful completion of a defined number of hours of supervision as a Provisionally Licensed Lawyer.

Moved by Chen, seconded by Broughton.

Ayes – Broughton, Chen, Cisneros, Delen, Duran, Iglesias, SeLegue, Sowell

Recused – Stallings

Absent for vote – De La Cruz, LaBran, Perttula

Noes – n/a

Motion carries.